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MEMORANDUM ENDORSED

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April 17, 2020

By: ECF
The Honorable Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: O'Conner, et al.
v.
Agilant Solutions, Inc.
S.D.N.Y. Docket No. 18-CV-6937 (GHW)

Dear Judge Woods,

Please accept the following request for dispensing with Your Honor's requirement for a pre-motion discovery conference and for leave to cross move in the context of Plaintiffs' motion for compelling electronic discovery. The arguments presented in the context of this request were addressed during the parties' telephone conference with Your Honor on April 6, 2020. As background, and incorporated herein, are copies of Plaintiffs' requests and Defendant's opposition letters. (Annexed hereto as Exhibit "A" is Plaintiffs' Pre-motion letter, Docket Entry 100, and Defendant's response, Docket Entry 101.)

Following the conference call, Defendant attempted to work out a resolution, along the lines of Your Honor's admonition during the telephone conference. In this context, Defendant offered Plaintiffs a compromise as per Plaintiffs' offers during the telephone conference. The offer was rejected. (Annexed as Exhibit "C" hereto is the e-mail correspondence concerning the efforts to resolve the disputes.)

As a consequence of the Corona Virus limitations Defendants are being asked by the Plaintiffs and the Court, to forgo the Defendant's right to be physically present during all depositions. While Defendant does not object to Plaintiffs' offers for Plaintiffs' remote attendance, forcing Defendant to forgo a face to face deposition of its adversaries is precedential.

Defendant proposes the following schedule to cross move: Cross Motion simultaneously with Defendant's response to Plaintiff's motion. Plaintiffs shall have one week to respond and Defendant's reply to be due three business days after receipt of the opposition.

Respectfully submitted,

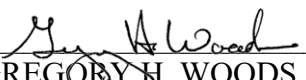
s/ Ira A. Sturm

Rachel Haskell (By: ECF)
Peter Colin (By: ECF)
Chris Davis (By: ECF)
Katherine Klein (By: ECF)

Application denied. Defendant has not made a sufficient showing that the Court should grant leave for Defendant to file a cross motion. Defendant can raise arguments in opposition to Plaintiffs' motion in its opposition to Plaintiffs' motion. Defendant has not made any argument to explain the purpose a cross motion would serve in this context. The Court will rule on Plaintiffs' motion when it is fully briefed.

SO ORDERED.

Dated: April 19, 2020



GREGORY H. WOODS
United States District Judge